

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

AUG 18 2003

FILE

OFFICE OF
MANAGING DIRECTOR

Ms. Pamela S. Smith
A.F.E. Industries Inc.
15 Railroad Avenue
Crown Point, NY 12928

Re: Request for Rescission of Late Penalty
Fiscal Year 2000 Regulatory Fee
Fee Control No. 00000RROG-02-098
Bill No.: 2001-9-0142

Dear Ms. Smith:

This is in response to your request dated January 16, 2001, filed on behalf of Carl H. Calvin for call sign WIPS, for rescission of the penalty for late regulatory fees for FY 2000. Our records indicate that you have not paid the \$62.50 late penalty.

Our records reflect that your fee check, dated September 28, 2000, and your FCC Form 159 that accompanied your check were date stamped by the Mellon Bank for receipt by the Commission on September 29, 2000. In support of your request, you state that you needed an FCC Registration Number (FRN) in order to file your FY 2000 regulatory fees and that you were unsuccessful in obtaining one in order to timely file your fee.

The Commission did not institute the mandatory use of an FRN for the filing of regulatory fees until 2001 for use in filing for FY 2002. *See Assessment and Collection of Regulatory Fees for Fiscal Year 2002*, Report and Order, 17 FCC Rcd 13,203, 13,213, ¶29 (2002) (*Report and Order*). While licensees had the option of obtaining an FRN prior to FY 2002, the use of the FRN was not mandatory for the filing of FY 2000 regulatory fees. Therefore, you could have timely filed your regulatory fee and FCC Form 159 without an FRN.

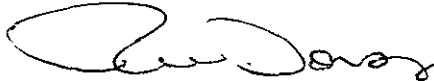
The Communications Act of 1934, as amended, requires the Commission to assess a late payment penalty of 25 percent on any regulatory fee not paid in a timely manner. It is the obligation of the licensees responsible for regulatory fee payments to ensure that the Commission receives the fee payment no later than the final date on which regulatory fees are due for the year. We find that WIPS did not meet its obligation to file its regulatory fee to be timely received by the Commission by September 22, 2000. We therefore deny your request for rescission of the late payment penalty for late payment of the fiscal year 2000 regulatory fee.

Ms. Pamela S. Smith

2.

Payment of WIP's late payment penalty of \$62.50 for FY 2000 is now due. The late payment charge must be filed together with a copy of Bill No. 2001-9-0142 within 30 days from the date of this letter. If you have any questions concerning this matter please contact the Revenue and Receivables Operations Group at (202) 418-1995.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark A. Reger", written in a cursive style.

 Mark A. Reger
Chief Financial Officer

Enclosure:

Copy of Bill #2001-9-0142

January 16, 2001

Susan A. Donahue, Chief
Revenues and Receivables Operations Group
Federal Communications Commission
Washington, D.C. 20554

Dear Ms. Donahue,

This letter is in response to the attached Bill for Collection, number 2001-9-0142, and penalty for late payment of FY 2000 Regulatory Fee.

I feel it is inappropriate for the FCC to charge a late penalty for the following reasons: As per the instructions relating to form 159, an FRN number is necessary for the proper filing of this form. I did not have an FRN number and began to get one prior to submitting the FCC 159. My first attempt to get an FRN number was on September 15, 2000. On this date, I phoned the CORES Administrator at 1/877/480-3201 and spoke with an FCC employee named Jose. He instructed me to download form FCC 160, complete it, fax it to him at 202/418-2843, and that they would immediately telephone me with an FRN number. As instructed, I did all the above. On September 18, 2000 I still had not heard back from him. I was concerned about missing the filing deadline so I phoned him a second time and left a message for him. I never received a return phone call nor did I receive an FRN number. Finally, after waiting another nine days, I phoned Jose at the FCC again on September 27, 2000. He claimed that he had no record of receiving my original fax, so I faxed it again. During this telephone conversation I also explained to him that I was now delinquent in submitting my form 159 as a result of the FCC's actions. I also mentioned that if I did not receive an FRN number within the next 24 hours that I was planning to call my Congressman's office for assistance. Not only did Jose call me back within hours of this conversation with an FRN number, but another FCC employee from the same office phoned later that day with a second FRN number for me, not knowing that Jose had issued one earlier that day.

Needless to say the entire procedure was immensely frustrating. As you can see from the fact that payment was received on September 29, 2000, I completed the form FCC 159 immediately once I was in receipt of the FRN number and sent payment to the FCC. I had every intention of filing timely and would have had the employees at the CORES office provided the data I needed in a timely manner. Based on these facts I feel it is inappropriate for a penalty for late payment to be charged and request that it be negated.

Sincerely,


Pamela S. Smith

Enclosures: 2

RECEIVED OCT 10 2002

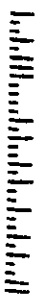


A.F.E. INDUSTRIES, INC.
BOX 15 RAILROAD AVENUE
CROWN POINT, NY 12928



Susan A. Donahue, Chief
Revenues & Reserves Operations Group
FCC
Washington, DC 20554

RECEIVED
JAN 22 2001
FCC MAIL ROOM



Federal Communications Commission
BILL FOR COLLECTION

FOR INQUIRIES CALL
1-202-418-1995
(Credit and Debt Management Group)

Bill Number	Bill Date
2001-9-0142	12/15/00

Please write your bill number on your remittance.

CALVIN H. CARR
15 RAILROAD AVENUE
CROWN POINT, NY 12928

Payable to:
Federal Communications Commission
Send a copy of this bill to:
Federal Communications Commission
Credit and Debt Management Group
P.O. BOX 358835
PITTSBURGH, PA 15251-5835

Total Amount Due	Total Amount Due Must Be Received By	Due Date
\$62.50		01/15/01

Description

25% PENALTY FOR LATE PAYMENT OF FY 2000 REGULATORY FEE

CALL SIGN: WIPS

Please attach a copy of this bill to your payment to ensure proper credit.

Payment Type Code				Quantity	Fee Due	
F	I	N	E	1	\$62.50	\$62.50
				-		
Total Due						\$62.50

Payment Method: Check ☐ (Attach)
Credit card ☒ (Complete Below)

☐ MASTERCARD

☒ VISA

Account No

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Expiration

--	--

Month

--	--

Year

I hereby authorize the FCC to charge my MASTERCARD or VISA for the service(s) / authorization(s) herein described.

AUTHORIZED SIGNATURE

DATE

INSTRUCTIONS CAREFULLY
PROCEEDING

FEDERAL COMMUNICATIONS COMMISSION
REMITTANCE ADVICE

Approved by OMB
3060-0589

Page No. 1 of 1

(1) LOCKBOX #

DANIELSON SEP 29 2000

SPECIAL USE

FCC USE ONLY

SECTION A - PAYER INFORMATION

(2) PAYER NAME (if paying by credit card, enter name exactly as it appears on your card)

CARR CALVIN M.

(3) TOTAL AMOUNT PAID (U.S. Dollars and

¢ 250.00

(4) STREET ADDRESS LINE NO. 1

15 KRA. L ROAD AVENUE

(5) STREET ADDRESS LINE NO. 2

(6) CITY

CROWN POINT

(7) STATE

NY

(8) ZIP CODE

12928

(9) DAYTIME TELEPHONE NUMBER (include area code)

518 597 3201

(10) COUNTRY CODE (if not in U.S.A.)

FCC REGISTRATION NUMBER (FRN) AND TAX IDENTIFICATION NUMBER (TIN) REQUIRED

(11) PAYER (FRN)

0003-7847-40

(12) PAYER (TIN)

141789854

IF PAYER NAME AND THE APPLICANT NAME ARE DIFFERENT, COMPLETE SECTION B
IF MORE THAN ONE APPLICANT, USE CONTINUATION SHEETS (FORM 159-C)

(13) APPLICANT NAME

(14) STREET ADDRESS LINE NO. 1

(15) STREET ADDRESS LINE NO. 2

(16) CITY

(17) STATE

(18) ZIP CODE

(19) DAYTIME TELEPHONE NUMBER (include area code)

(20) COUNTRY CODE (if not in U.S.A.)

FCC REGISTRATION NUMBER (FRN) AND TAX IDENTIFICATION NUMBER (TIN) REQUIRED

(21) APPLICANT (FRN)

0003-7847-40

(22) APPLICANT (TIN)

141789854

COMPLETE SECTION C FOR EACH SERVICE, IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEET

(23A) CALL SIGN/OTHER ID

WIP5

(24A) PAYMENT TYPE CODE

C035

(25A) QUANTITY

1

(26A) FEE DUE FOR (PTC)

250.00

(27A) TOTAL FEE

250.00

FCC USE ONLY

(28A) FCC CODE 1

468

(29A) FCC CODE 2

NEW YORK TUCKER FZ06A

(23B) CALL SIGN/OTHER ID

(24B) PAYMENT TYPE CODE

(25B) QUANTITY

(26B) FEE DUE FOR (PTC)

(27B) TOTAL FEE

FCC USE ONLY

(28B) FCC CODE 1

(29B) FCC CODE 2

SECTION D - CERTIFICATION

(30) CERTIFICATION STATEMENT

I, Calvin M. Carr

certify under penalty of perjury that the foregoing and supporting information is true and correct to

the best of my knowledge, information and belief

SIGNATURE

Carr

DATE

9/14/2000

SECTION E - CREDIT CARD PAYMENT INFORMATION

(31)

☐

MASTERCARD

MASTERCARD/VISA ACCOUNT NUMBER

EXPIRATION

☐

VISA

I hereby authorize the FCC to charge my VISA or MASTERCARD for the service(s)/authorization herein described

SIGNATURE

DATE

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

DEC 15 2000

OFFICE OF
MANAGING DIRECTOR

Calvin H. Carr
15 Railroad Avenue
Crown Point, NY 12928

Re: WIPS

Dear Licensee:

This letter is notice that you were late paying your 2000 annual regulatory fee(s). Payment of regulatory fees was due to the Federal Communications Commission (FCC) by midnight, September 22, 2000. Your fee payment of \$ 250.00 has received on Sept. 29, 2000.

In accordance with Section 9 [47 USC 159(c)(1)], a 25 percent late penalty in the amount of \$ 62.50 has been assessed. Unless you can show just cause why the penalty is inapplicable, payment is due within 20 days from the date of this letter.

Payment should be sent to the Federal Communications Commission, Regulatory Fees, P O. Box 358835, Pittsburgh, PA 15251-5835, along with a copy of the enclosed billing invoice.

If you have any documentation that will establish that the fee was remitted and received at Mellon Bank by September 22, 2000, such as a carrier dated receipt, please include this documentation with your response so that we can clear your record(s).

You are cautioned that failure to respond and/or pay the penalty will subject you to further sanctions as defined in 47 CFR, Section 1.1164 of our Rules. These sanctions include subjecting the delinquent payer's pending applications to dismissal, and may require a delinquent payer to show cause why any existing instruments of authorization should not be revoked. Further sanctions include interest charges, and the full cost of collection to the Federal government pursuant to Section 3720A of the Internal Revenue Code, 31 USC 3717, and the provision of the Debt Collection Act, 31 USC 3717.

If you have any question, you may contact my office at (202) 418-1995.

Sincerely,



Susan A. Donahue, Chief
Revenue and Receivables Operations Group

Enclosure